IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 11.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM

and

The Hon'ble Mr. Justice S.MANIKUMAR

Habeas Corpus Petition No.544 of 2006

Lalitha .. Petitioner

Vs.

1. The State of Tamil Nadu,
   rep. by its Secretary to Government,
   Prohibition and Excise Department,
   Fort St. George, Chennai-9.

2. The District Magistrate and
   District Collector,
   Kancheepuram District,
   Kancheepuram. .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records of the second respondent in No.BDFGISV No.12/2006 dated 07.03.2006 and quash the same thereby direct the detenu Chandrasekar S/o Ganesan detained at Central Prison, Chennai to be produced before this Court and set the detenu at liberty and to award costs and adequate compensation.

For Petitioner : M/s.P.Bharathi
For Respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner, who is the mother of the detenu, by name Chandrasekar, who is detained as a ''Goonda" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 07.03.2006, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

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3. At the foremost, learned counsel appearing for the petitioner has raised the only contention that the representation of the detenu dated 18.05.2006 has not been properly considered and disposed of and he seeks an intervention of this Court on this ground. As against this, the learned Additional Public Prosecutor has brought to our notice that though the representation was made by the mother of the detenu viz.,Lalitha on 18.05.2006 and the same was received by the Government on 22.05.2006 and the copy of the same was also sent to the District Magistrate and District Collector, Kancheepuram and the same was received by the Collectorate on 19.05.2006 and on receipt of the same, the Collectorate called for the remarks from the Sponsoring authority on 20.05.2006 and the remarks were received from the sponsoring authority on 22.05.2006 and report was sent to the Government on 24.05.2006. In the mean time, the remarks were received by the Government on 26.05.2006 and thereafter the File was submitted on 29.05.2006 and the same was dealt with by the Under Secretary and the Deputy Secretary on the same day on 29.05.2006 and finally, the Minister for Revenue and Law passed an order on 30.05.2006. The rejection letter was prepared on the same day i.e. on 30.05.2006 and the same was sent to the detenu on 31.05.2006 and served to him on 01.06.2006. In view of the above details and of the fact that the copy of the said representation dated 18.05.2006 was sent to the District Collector/District Magistrate, Kancheepuram, simultaneously and taking note of the fact that there was no let up at any stage and the said representation was duly considered and disposed of without delay, we are unable to accept the only contention raised by the learned counsel for the petitioner.

4. In the light of what is stated above, we do not find any valid ground for interference. Accordingly, the Habeas Corpus Petition fails and the same is dismissed.

raa

Sd/-
Asst. Registrar

//true copy//

Sub Asst.Registrar

To

1. The Secretary to Government, State of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai-600 009.
2. The District Magistrate and District Collector, Kancheepuram District, Kancheepuram.
3. The Superintendent, Central Prison, Chennai.
   (In duplicate for communication to detenu)
4. The Joint Secretary to Government, Public (Law and Order)
   Fort St. George, Chennai-9.
5. The Public Prosecutor, High Court, Madras.

Rsm/15.9.2006 HCP. No.544 of 2006

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